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**JUN 01 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Kovesdi et al. :  
Application No. 09/964,065 : ON PETITION  
Filed: 26 September, 2001 :  
Atty Docket No. 213527 :

This is a decision on the petition filed on 10 November, 2005 which requests under 37 C.F.R. §1.182 that a previously filed terminal disclaimer be withdrawn. The petition fee has been received.

The petition is granted.

Petitioners assert that the Terminal Disclaimer filed on 13 March, 2003, is no longer necessary because it was filed in response to an obviousness-type double patenting rejection over U.S. Patent No. 5,994,106, the claims of which are no longer in force as a result of an adverse judgment in an interference proceeding.

As the examiner has concurred, the request can be favorably considered.

This application is being referred to Technology Center Art Unit 1633 for further processing consistent with this decision.

Telephone inquiries relative to this decision should be directed to the undersigned at (571) 272-3231.

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions